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UNISYS GENERAL COUNSEL

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UNISYS

Office of General Counsel
2470 Highest Road
Roseville, Minnesota 55113

October 6, 2004

(DATE)

TO:
USPTO

FAX NUMBER:
703-746-40000

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Enclosed please find the required documents for the Issue Fee of RA-5274:

Application No: 09/419.439

Filing Date: 10/15/1999

Allowed: 09/27/2004

Customer #: 27516

Please provide me with a certificate of fax received by the PTO.

FROM:

Beth L. McMahon
Office of General Counsel
Mail Station 4773
Roseville, MN
Phone: 651-635-7893 or Net² 524-7893
FAX: 651-635-5726 or Net² 524-5726

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Group Art Unit: 2124****Examiner: William H. Wood**

In re: Application of Harnett, Thomas D. et. al
Title: Pipeline Depth Controller for an Instruction Processor
Application No: 09/419,439
Filing Date: 10/15/1999
Allowed: 09/27/2004
File No. RA- 5274
Docket No: 1.9905277400
Customer No: 27516

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (USPTO) at (703) 746-4000 on the date indicated below.

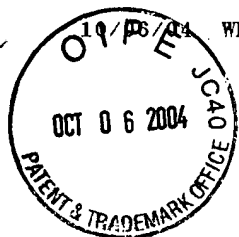
Myrtha A. Hubbard

Name

Signature

06 October 2004

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit -- 2124

Examiner -- William H. Wood

October 6, 2004

In re	Application of Thomas D. Harnett, et. al.	Filed:	10/15/1999
Title:	Pipeline Depth Controller for an Instruction Processor	Allowed:	09/27/2004
Serial No.:	09/419,439	File No.:	RA - 5274
		Customer #	27516

Mail Stop ISSUE FEE
Honorable Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

SUBJECT: ISSUE FEE FOR RA-5274:

Dear Sir:

Please charge Deposit Account No. 19-3790 in the sum of \$1,370.00 to cover payment of the Issue Fee and also the sum of \$3.00 to cover the cost of one (1) extra copy of the allowed patent mentioned above.

Also enclosed is the Address Fee Indication form.

Respectfully submitted,

Beth L. McMahon
Attorney for Applicant
Unisys Corporation (MS 4773)
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St. Paul, MN 55164-0942
Reg. No.: 41,987
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BLM/ah



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit -- 2124
Examiner --William H. Wood

October 6, 2004

In re Application of Thomas D. Harnett, et. al
Title: Pipeline Depth Controller for an
Instruction Processor
Application #: 09/419,439

Filed: 10/15/1999
Allowed: 09/27/2004
File No.: RA-5274
Customer # 27516

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner's statement of Reasons for Allowance implies that the claimed invention was allowed because the prior art did not disclose specific elements. The elements characterized by the Examiner, however, even if found in the prior art, would not render the claimed invention invalid under 35 USC §102 because the claimed invention includes a number of limitations not addressed in the Reasons for Allowance. With respect to 35 USC §103, the requirements of establishing a *prima facie* case of obviousness including (1) a showing that the prior art teaches the entire claimed invention where all limitations are to be considered, and (2) that combining various prior art references is (a) suggested in the art and (b) there would be motivation to make the combination, with a likelihood of success, have not been satisfied.

Unless otherwise advised, these comments are intended, to be clarifying in a manner consistent with the law.

Respectfully submitted,

Beth L. McMahon
Attorney for Applicant
Unisys Corporation (MS 4773)
P O Box 64942
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